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REMARKS

Claims 1-40 are pending in the application with claims 2, 4-14, and 16-40 being retained. As stated in the Office Action, claim 1 is objected to for minor informalities. Regarding the merits, claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brodeur patent (U.S. No. 670,763). The Applicants respectfully traverse this rejection for the reasons provided below.

The Claim Objection:

In objecting to claim 1, the Examiner stated that the first "said" in line 6 should be an "a." In addition, regarding the last line of claim 1, the Examiner stated that the terms "a" and "assembly" should be should be respectively replaced with the terms "said" and "member." However, by this Amendment, the Applicant has cancelled claims 1 and 15 and has respectively rewritten them as new claims 41 and 42 to clarify the subject matter recited therein. Therefore, it is submitted that the objection to claim 1 has been rendered moot.

The § 103(a) Claim Rejections:

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brodeur patent. The Applicants respectfully traverse this rejection.

Under Section 2142 of the Manual of Patent Examining Procedure ("MPEP"), the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness. *Id.*

A *prima facie* case of obviousness exists where the Examiner demonstrates that three criteria are satisfied. *Id.* First, there must be some suggestion or motivation to modify the reference. *Id.* Second, there must be a reasonable expectation for success. *Id.* Finally, the prior art reference must teach or suggest all the claim limitations. *Id.* It is respectfully submitted that the Examiner has not satisfied at least the first and third criteria.

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Specifically, no suggestion or motivation has been offered for making the proposed modification. Instead, the Examiner merely states that it would have been obvious to one skilled in the art to use the Brodeur device on an aircraft to secure a machine, e.g. a galley, to the floor of the aircraft. In this way, the Examiner only describes how to modify the reference instead of actually providing a motivation or suggestion for making the proposed modification. For this reason, the first criteria of *prima facie* obviousness has not been satisfied and claims 2, 4-14, and 16-42 are nonobvious and allowable.

Furthermore, the prior art references do not teach all of the limitations of claims 2, 4-14, and 16-42 and therefore does not satisfy the third criteria for *prima facie* obviousness. Specifically, independent claims 41 and 42 recite a monument coupled to an airframe via a self-locating fastening assembly with the monument being disposed on a floor within an interior of the airframe. The monument is a lavatory module, a galley module, a closet module, a purser workstation module, a video control center module, and/or a crew rest module. The self-locating fastening assembly is comprised of a self-locating tie down member and a socket member coupled to the airframe and the monument.

On the other hand, the prior art of record discloses devices that are substantially different than the limitations recited in claims 41 and 42. Namely, the Brodeur patent is directed to a fastening assembly for securing legs of a machine to the floor upon which the machine stands. Moreover, the Heinze patent is directed to a thermal insulation structure for attachment external to an airframe. In addition, the Nordstrom patent discloses an aircraft doorsill guard. Also, the O'Quinn patent discloses a device for coupling parts of an airframe together, e.g. coupling a nose to a fuselage. In this light, it will be appreciated that the Brodeur patent and the other prior art of record disclose substantially different devices and do not teach or suggest all the recited claim limitations. For

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this reason, it is submitted that the third criteria for *prima facie* obviousness has not been satisfied, and therefore claims 2, 4-14, and 16-42 are allowable.

Furthermore, regarding claim 9, the self-locating tie-down member includes a base portion and a top portion extending from the base portion. The top portion includes an offset tab extending generally perpendicularly from the base portion and a finger member extending generally perpendicularly from the offset tab. The finger member is positioned generally parallel to the base portion and is utilized for securing the self-locating tie-down member to the socket member. None of the prior art of record teaches or suggests this construction. For this additional reason, claim 9 is nonobvious and allowable.

Regarding claim 10, the base portion and the offset tab of the top portion have one or more fillets therebetween for strengthening the top portion. However, the Brodeur patent and the other cited references do not teach or suggest this limitation. Thus, for this additional reason claim 10 is nonobvious and allowable.

Regarding claim 11, the finger member has a central axis that is centered above a longitudinal axis of the base portion. On the other hand, none of the cited references teaches or suggests this construction. It is therefore respectfully submitted that claim 11 is nonobvious and allowable for this additional reason.

Regarding claim 13, the base portion further includes an outboard-extending tab for supporting the top portion in an inboard direction. However, the Brodeur patent and the other cited references do not teach or suggest this limitation. Therefore, for this additional reason, the Applicants respectfully submit that claim 10 is nonobvious and allowable.

Regarding claim 14, the outboard-extending tab and the offset tab have a reinforcing rib coupled therebetween for strengthening the top portion. This construction is not disclosed by the prior art of record. For this additional reason, it is submitted that claim 14 is nonobvious and allowable.

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Regarding claim 18, the socket member defines a guiding chamber for contacting the top portion of the self-locating tie-down member and securing the self-locating tie-down member to the socket member. However, the prior art of record does not teach or suggest these limitations. Thus, the Applicants submit that claim 18 is nonobvious and allowable for this additional reason.

Regarding claim 19, the socket member further defines a base chamber for receiving and contacting the base portion of the self-locating tie-down member so as to guide the self-locating tie-down member into the socket member and secure the monument in the predetermined position. However, the Brodeur patent and the other cited references do not teach or suggest this construction. For this additional reason, it is respectfully submitted that claim 19 is nonobvious and allowable.

Regarding claim 29, the finger member has a conical shape with a rounded tip. One skilled in the art will appreciate that this construction is substantially strong for securing the monument in the predetermined position and also provides a blunt tip for enhancing safety during installment of the monument. Thus, for this additional reason, the obviousness rejection of claim 29 has been overcome.

For at least the above reasons, it is respectfully submitted that *prima facie* obviousness has not been established, and therefore the Applicant is under no obligation to submit evidence of nonobviousness.

Conclusion:

In view of the forgoing amendments and remarks, the Applicants submit that the remaining claims in the case are in an allowable condition. Therefore, the Applicants respectfully request that the Examiner withdraw the rejection of the pending claims.

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If the Examiner has any questions or comments, he is welcome to contact the undersigned attorney.

Respectfully submitted,

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